

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--------------------------------------|---|----------------------|
| 3V, INC., a Delaware Corporation, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | C.A. No.06-00593-JJF |
| |) | |
| CIBA SPECIALTY CHEMICALS |) | |
| CORPORATION, a Delaware Corporation, |) | |
| Defendants. |) | |
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| CIBA SPECIALTY CHEMICALS |) | |
| CORPORATION, a Delaware Corporation, |) | |
| |) | |
| Plaintiff |) | C.A. No.06-00629-JJF |
| |) | |
| v. |) | |
| |) | |
| 3V, INC., a Delaware Corporation, |) | |
| |) | |
| Defendant. |) | |
| <hr/> | | |
| CIBA SPECIALTY CHEMICALS |) | |
| CORPORATION, a Delaware Corporation, |) | |
| |) | |
| Plaintiff |) | C.A. No.06-00672-JJF |
| |) | |
| v. |) | |
| |) | |
| 3V, INC., a Delaware Corporation, |) | |
| |) | |
| Defendant. |) | |

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by March 20, 2007 the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

2. **Joinder of Other Parties.** All motions to join other parties shall be filed on or before June 22, 2007.

3. **Discovery.**

(a) Subject to additional Discovery to be taken after depositions, exchange and completion of contention interrogatories, identification of fact witnesses, documents and electronic production shall be commenced so as to be completed by September 28, 2007.

(b) Maximum of 100 interrogatories, including contention interrogatories, for each side.

(c) Unlimited requests for admission by each side.

(d) Maximum of 10 depositions by each party, excluding expert depositions.

Such depositions shall not commence until the discovery required by paragraphs 3 (a, b, and c) is completed, but additional discovery may be needed as a result of depositions.

(e) Depositions shall be completed by March 28, 2008.

(f) Any additional Discovery required as a result of the Depositions set forth in 3(e) shall be completed by May 30, 2008.

(g) Reports from retained experts in cases 06-00593-JJF and 06-00629-JJF required by Fed. R. Civ. P. 26(a)(2) are due from the party having the burden of proof by April 25, 2008; from the opposing party by June 27, 2008. Rebuttal reports are due August 15, 2008.

(h) Expert reports for the party having the burden of proof in C.A. No. 06-00672 shall be due on May 23, 2008; and for the opposing party on July 25, 2008. Rebuttal briefs are due on September 19, 2008.

(i) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

4. Discovery Disputes.

A party seeking discovery which the opposing party refuses to provide shall file a motion and brief in accordance with the procedures set forth in the Court's December 15, 2006 Standing Order. There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before June 13, 2008.

6. Case Dispositive Motions.

(a) Any motions challenging this Court's jurisdiction shall be filed by September 28, 2007.

(b) Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before October 17, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. Markman.

Because this case does not involve infringement issues, the parties do not presently see the need for a Markman hearing. Should the parties see a need for a Markman hearing, they will advise the Court.

8. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. and shall comply with the procedures set forth in the Court's December 15, 2006 Standing Order. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial.

After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.



United States District Court Judge

Dated: December 20, 2006